

REMARKS

Claims 1-3, 7-12, 15-19, and 21-27 are pending in the instant application. Claims 1-3, 7-12, 15-19, and 21-27 presently stand rejected. Claims 1, 7, 12, 15 and 19 are amended herein. Entry of this amendment and reconsideration of the pending claims are respectfully requested.

Claim Rejections – 35 U.S.C. § 101

The Examiner rejected claims 12, 15-18 under 35 U.S.C. § 101. The Examiner states that the invention is directed to non-statutory result because the specification defines the medium having carrier waves, infrared signals, digital signals, and the like. Accordingly, independent claim 12 has been amended to overcome the rejection. The Applicants respectfully request that the instant rejection of claim 12 and its corresponding dependent claims be withdrawn.

Claim Rejections – 35 U.S.C. § 102

Claims 1-23 stand rejected under 35 U.S.C. § 102(a) as being anticipated by “Terra: A Virtual Machine-Based Platform for Trusted Computing,” by Garfinkel et al. (“*Garfinkel*”). Applicants respectfully traverse the rejections.

A claim is anticipated only if each and every element of the claim is found in a single reference. M.P.E.P. § 2131 (citing *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628 (Fed. Cir. 1987)). “The identical invention must be shown in as complete detail as is contained in the claim.” M.P.E.P. § 2131 (citing *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226 (Fed. Cir. 1989)).

Amended independent claim 1 now recites, in pertinent part, “receiving a request for a VMM service that is associated with the first or second VM, wherein the request comprises a challenger hash value; computing a current compound hash value using the challenger hash value in place of the stored hash value of the associated VM, and the stored hash values for the non-associated VM; determining whether the current compound hash value is equal to the stored compound hash value; and executing the received request in response to a determination that the current compound hash value is

equal to the stored compound hash value.” Applicants respectfully submit that *Garfinkel* fails to disclose at least the above limitation.

In particular, Applicants note that the cited art fails to compute (and subsequently use) a compound hash value using information from a first and second virtual machine. The Examiner argues that Fig. 2 and Section 2.2 of *Garfinkel* teaches determining a first VM platform configuration including a first hash value based on information measured from the first VM and a second VM platform configuration that includes a second hash value based on information measured from the second VM.

Instead, *Garfinkel* teaches away from this proposition because the attestation of *Garfinkel* teaches attestation solely between a single VM and a single remote party (page 195, right column, fifth full paragraph). The attestation is addressed to a particular piece of software (for which the third party already has a hash value, *see* section 4.3, third paragraph) rather than to a hardware configuration, as recited by the claim. Further, “Receiving an attestation tells the remote party what program was started on a platform, but it does not confirm that the program has not subsequently been compromised” (*see*, section 2.2, first paragraph) Thus the hash values of *Garfinkel* are directed toward specific, known-beforehand software applications, rather than verifying known current hardware configurations of VMs.

Garfinkel teaches away from computing a **compound** hash value using information from a first and second virtual machine because the remote parties perform the attestation for a single VM themselves (see above paragraph), and do not teach a determining a second VM platform configuration including a second hash value based on information measured from the second VM. The remote parties do not normally have knowledge of other VMs running on the VMM because the purpose of attestation is to enable “an application in a VM to authenticate itself to remote parties” (*see*, section 2.2 first paragraph, which does not involve a secondary VM). As recited, the compound hash relies on information from a first and second VM. As taught in the specification on

page 13, lines 11 and 12, "Even if a hacker were to gain access to a single VM, the hacker could not discover the composite hash value." This security feature is not present with mere attestation because the attestation merely provides a limited level of security for the benefit of the remote party (*see*, section 2.2, first paragraph, last sentence).

Because *Garfinkel* does not teach a compound hash value based on information from a first and second VM (and a subsequently created **current** compound hash value), it does not execute the received request in response to a determination that the current compound hash value (based on information from a first and second VM) is equal to the stored compound hash value.

Consequently, *Garfinkel* fails to disclose each and every element of claim 1, as required under M.P.E.P. § 2131. Independent claims 12, 19, and 24 include similar novel elements as independent claim 1. Accordingly, Applicants request that the instant §102 rejections of claims 1, 12, 19, and 24 be withdrawn.

The dependent claims are novel over the prior art of record for at least the same reasons as discussed above in connection with their respective independent claims, in addition to adding further limitations of their own. Accordingly, Applicants respectfully request that the instant § 102 rejections of the dependent claims be withdrawn.

CONCLUSION

In view of the foregoing amendments and remarks, Applicants believe the applicable rejections have been overcome and all claims remaining in the application are presently in condition for allowance. Accordingly, favorable consideration and a Notice of Allowance are earnestly solicited. The Examiner is invited to telephone the undersigned representative at (206) 292-8600 if the Examiner believes that an interview might be useful for any reason.

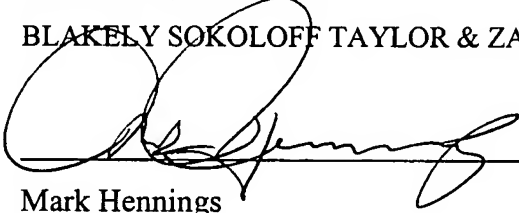
CHARGE DEPOSIT ACCOUNT

It is not believed that extensions of time are required beyond those that may otherwise be provided for in documents accompanying this paper. However, if additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a). Any fees required therefore are hereby authorized to be charged to Deposit Account No. 02-2666. Please credit any overpayment to the same deposit account.

Respectfully submitted,

BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP

Date: 7/17/07


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CERTIFICATE OF TRANSMISSION

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING FACSIMILE TRANSMITTED TO THE PATENT AND TRADEMARK OFFICE ON:

Date of Transmission: July 17, 2007

Susan J. Hiles

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